IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

Con.Case(C).No. 1233 of 2007(S)

NON-COMPLIANCE OF THE JUDGEMENT IN WP(C) NO.19423/2007 Dated 28/06/2007

PETITIONERS/PETITIONERS:
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1. N.K. VIJAYAN, S/O. KUNJUKUTTY,
   NIRAPPEL, KANJIRAPPALLY, DIST. KOTTAYAM.

2. THULASI, W/O. MOHANACHANDRAN,
   KADAVUPUZHA VEETTIL, PULIKKAL KAVALAYIL,
   VAZHOOR VILLAGE, CHANGANASSERY TALUK, DIST.IDUKKI.

BY ADV. SRI.K.REGHU KOTTAPPURAM

RESPONDENT: RESPONDENT:

UNNIKRISHNAN,
S/O. SEKHARAN, ASSISTANT EXCISE COMMISSIONER,
KOTTAYAM DIVISION, KOTTAYAM.

BY SENIOR GOVERNMENT PLEADER SMT.MEERA

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 19/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN,J.

Cont. Case (C). NO. 1233 OF 2007

Dated this the 19th September, 2007

JUDGMENT

H.L.DATTU, C.J.

This Court, while disposing of W.P.(C) No.19423 of 2007 on 28th June, 2007, had directed the Assistant Excise Commissioner to consider Ext.P3 application filed by the petitioners in accordance with law.

2. Alleging that the respondent had not complied with the orders and directions issued by this Court, the petitioners are before us in this contempt petition filed under Sections 11 and 12 of the Contempt of Courts Act, 1971 read with Article 215 of the Constitution of India.

3. Learned Senior Government Pleader, Smt.Meera, appearing for the contemnor would submit that the respondent/contemnor has considered Ext.P3 application filed by the petitioners and has disposed of the same by his order dated 16th August, 2007.

4. The only direction that was issued by the learned single Judge to the respondent/contemnor is to consider Ext.P3 application in accordance with law. Since Ext.P3 application has already been considered and order has been passed, we need not take cognizance of this contempt petition. Accordingly, the contempt proceedings are dropped. However, liberty is reserved to the petitioners to question the correctness or otherwise of the

order passed by the Assistant Excise Commissioner, dated 16th August, 2007, if it is already not done.

Ordered accordingly.

(H.L.DATTU)
Chief Justice

(K.T.SANKARAN)
Judge

ahz/